S.B. CIVIL WRIT PETITION NO.5520/2004
Smt. Mooli vs. State of Rajasthan and another.

Date : 9.12.2004

HON'BLE MR. PRAKASH TATIA, J.

Mr. Arvind Samdaria, for the petitioner.

- - - - -

Heard learned counsel for the petitioner.

The grievance of the petitioner in this writ petition is that she in in possession of one property and few notices were also issued to her under Section 91 of the Rajasthan Land Revenue Act which clearly shows that she is in possession of the property which is situated in the area of Municipal Board, Sadri. Despite this, the petitioner's case is not being considered for regularisation of her land. The petitioner also gave several representations and thereafter, ultimately served a notice for demand of justice.

According to learned counsel for petitioner, it was decided by the respondents to regularise all possession by conducting fresh survey. The respondents are not including the name of the petitioner in the survey list. Learned counsel for the petitioner also submitted that the respondents are highhandedly giving threats to the petitioner that they will dispossess the petitioner.

It appears from the communication sent by the Municipal Board, Sadri dated 27.8.2004 addressed to the petitioner's counsel that in pursuance of the order of State Government, survey is being conducted by Municipal Board, Sadri. In this communication, it is clearly mentioned that in case, the petitioner's possession will

be found old, her name will be included in the survey list.

Since the letter is dated 27.8.2004 and by that time, survey has not been completed by the respondent, therefore, the petitioner may approach the concerned authorities and place before them the relevant documents so as to prove her possession of the land in dispute.

The respondents may consider the claim of the petitioner while preparing the survey list in pursuance of the order which they received from the State Government. Before rejecting the claim of the petitioner, the respondents are not expected to dispossess the petitioner from the land in dispute.

Accordingly, this writ petition is disposed of. The petitioner is permitted to submit her representation along with all documents before the competent authority within a period of fifteen days from today. The competent authority will decide the representation of the petitioner within a period of fifteen days thereafter by a brief order. Till then, the petitioner may not be evicted from the land in question.

(PRAKASH TATIA), J.

S.Phophaliya